

FILED

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

NOV 17 2020

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

**ANDRES DONTAY TORRECILLA,
KRISTINA GILMORE, a/k/a DIAMOND,
and KARIM IRVIN BROOKS,**

Defendants.

Criminal No.

3:20 CR 45

Violations:

18 U.S.C. § 2
21 U.S.C. § 841(a)(1)
21 U.S.C. § 841(b)(1)(C)
21 U.S.C. § 843(b)
21 U.S.C. § 843(d)
21 U.S.C. § 846

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Conspiracy to Possess with Intent to Distribute and to Distribute Heroin, Fentanyl, and Cocaine Base)

On or about February 14, 2020 to on or about February 27, 2020, in Berkeley County, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA, KARIM IRVIN BROOKS, and KRISTINA GILMORE, a/k/a DIAMOND,** did unlawfully, knowingly, and intentionally combine, conspire, confederate, agree and have a tacit understanding with others to violate Title 21, United States Code, Section 841(a)(1). It was a purpose and object of the conspiracy to possess with intent to distribute and to distribute heroin, a Schedule I controlled substance; fentanyl, a Schedule II controlled substance; and cocaine base, also known as "crack," a Schedule II controlled substance; in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C).

COUNT TWO

(Unlawful Use of Communication Facility)

On or about February 14, 2020, in Berkeley County, in the Northern District of West Virginia and elsewhere, defendant **KRISTINA GILMORE, a/k/a DIAMOND**, did knowingly and intentionally use a communication facility in committing, causing, and facilitating the commission of a felony under Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(C), as alleged in Counts One, Three, and Four of this Indictment, that is the defendant used a telephone to arrange a distribution of a heroin and fentanyl mixture and cocaine base; in violation of Title 21, United States Code, Sections 843(b) and 843(d).

COUNT THREE

(Aiding and Abetting Distribution of Heroin and Fentanyl Mixture)

On or about February 14, 2020, in Berkeley County, West Virginia, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA** and **KRISTINA GILMORE, a/k/a DIAMOND**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and fentanyl, a Schedule II controlled substance; in exchange for a sum of United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

(Aiding and Abetting Distribution of Cocaine Base)

On or about February 14, 2020, in Berkeley County, West Virginia, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA** and **KRISTINA GILMORE, a/k/a DIAMOND**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of cocaine base, also known as “crack,” a Schedule II controlled substance, in exchange for a sum of United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE

(Aiding and Abetting Distribution of Heroin and Fentanyl Mixture)

On or about February 25, 2020, in Berkeley County, West Virginia, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA** and **KRISTINA GILMORE, a/k/a DIAMOND**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; and fentanyl, a Schedule II controlled substance; in exchange for a sum of United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

(Aiding and Abetting Distribution of Cocaine Base)

On or about February 25, 2020, in Berkeley County, West Virginia, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA** and **KRISTINA GILMORE, a/k/a DIAMOND**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of cocaine base, also known as “crack,” a Schedule II controlled substance, in exchange for a sum of United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SEVEN

(Aiding and Abetting Distribution of Heroin)

On or about February 27, 2020, in Berkeley County, West Virginia, in the Northern District of West Virginia, and elsewhere, defendants **ANDRES DONTAY TORRECILLA** and **KARIM IRVIN BROOKS**, aiding and abetting each other, did unlawfully, knowingly, intentionally, and without authority distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance; in exchange for \$450 of United States currency; in violation of Title 18, United States Code, Section 2, and Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

FORFEITURE ALLEGATION

Controlled Substances Act

Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 841, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense.

A true bill,

/s/ _____
Grand Jury Foreperson

/s/ _____
WILLIAM J. POWELL
United States Attorney

Lara K. Ombs-Botteicher
Assistant United States Attorney